In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.2297 of 2006.

Date of decision:15.1.2007.

Kartar Kaur.

...Petitioner.

Versus

Smt.Debo Devi and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Rakesh Gupta Advocate for the petitioner.

Mr.Arvind Singh Advocate for the respondents.

...

Judgment.

S. N. Aggarwal, J.

The petitioner was the plaintiff in the learned trial Court. She had filed a suit for permanent injunction against the respondents. An application for interim stay was filed. It was accepted by the learned trial Court. For its compliance, an application for police help was also filed. On this, the respondents filed an application under Section 151 CPC alleging that the said application was not thumb marked by Kartar Kaur,plaintiff and,therefore, she be asked to give her specimen thumb impressions for being compared with the application filed for police help and with the application filed for contempt proceedings.

The said application was contested by the petitioner and it was alleged that she had filed the application for police help as also for contempt proceedings and she admitted her thumb impression on the said application, affidavit and the plaint etc.

The learned trial Court vide impugned order dated 21.3.2006 directed the petitioner to give her specimen thumb impressions.

Hence, the present petition.

The submission of learned counsel for the petitioner was that since the petitioner who was the plaintiff in the learned trial Court had admitted that the application for police help and the application for contempt proceedings were thumb marked by her and she was the author of those applications, therefore, she cannot be asked to give her thumb impressions for being compared with those documents.

On the other hand, the submission of learned counsel for the respondents was that since the respondents denied the thumb impressions of Kartar Kaur, petitioner on those applications, therefore, there is no illegality in the impugned order dated 21.3.2006 passed by the learned trial Court.

These submissions have been considered. Since the petitioner has admitted her thumb impressions on the application,affidavit and the plaint etc.,therefore, the respondents had no right to side-track the proceedings by making one allegation or the other.

Since the petitioner has admitted her thumb impression on the applications, therefore, the learned trial Court was also not justified to direct the petitioner to give her specimen thumb impressions.

Accordingly, this petition is accepted and the impugned order dated 21.3.2006 is set aside.

January 15,2007. (S. N. Aggarwal)
Jaggi Judge